

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

IN RE: DIGITEK ® PRODUCTS LIABILITY LITIGATION

MDL No. 1968

AFFIDAVIT OF ELIZABETH A. ROSS GIVEN

1. My name is Elizabeth A. Ross Given. I am employed by Smith Cochran & Hicks, PLLC, in Charleston, West Virginia. Smith Cochran & Hicks, PLLC is the Special Master in the Digitek ® Product Liability Litigation, MDL No. 1968. I am the Lead Claims Supervisor. The role of the Special Master is laid out in detail under the terms of the Settlement Agreement, dated September 1, 2010. This Settlement Agreement includes instructions for Qualifying Claimants in regards to documenting, processing and claiming Settlement Award monies assigned after an extensive review and scoring process.
2. In my capacity as the Lead Claims Supervisor at Smith Cochran & Hicks, PLLC, I am communicating with counsel for claimants and in some cases directly with claimants, to resolve delinquent claims.
3. In general, the Agreement provided that certain paperwork was needed to be considered for an award from the Qualified Settlement Fund. Then, once an award was determined, certain paperwork was required in order to finalize the claim and be entitled to the actual payment. This affidavit, as part of the Defendants' Motion to Terminate Claims, pertains to a group of claimants who qualified for an award and are eligible for payment, but who have failed to submit required paperwork to finalize their claim and be entitled to payment. Our efforts to ensure compliance are set forth in the following paragraphs.



4. Further instructions relating to claiming Settlement Awards for Qualifying Claimants began on March 12, 2012, as an email to all representing counsel of record. This email was initiated by PSC Committee Member Meghan Johnson Carter, and is attached as **Exhibit 1**.
5. On Friday, July 13, 2012, I sent an email to all representing counsel urging them to submit delinquent documents, as reflected in the sample attached as **Exhibit 2**.
6. On Monday, November 26, 2012 I once again contacted via email the representing counsel for all Qualifying Claimants still listed as delinquent, accompanying each letter with a personalized spreadsheet detailing those delinquencies. See the attached sample, **Exhibit 3**.
7. On Monday, January 7, 2013, I was instructed by Defense counsel Matthew Moriarty to prepare and distribute the Final Notice – Deadline for Document Submission, attached as **Exhibit 4**. This Final Notice was mailed to all representing counsel via USPS Certified Mail, Return Receipt Requested, on January 7, 2013. All return receipts are accounted for and delivery confirmed for all envelopes mailed.
8. I sent electronic notification of this Final Notice along with updated spreadsheets detailing Qualifying Claimant deficiencies to representing counsel on January 10, 2013. A sample of the electronic notification is attached as **Exhibit 5**.
9. As of the date of this affidavit, there remains eight (8) Qualifying Claimants with delinquent documents, attached **Exhibit 6**.

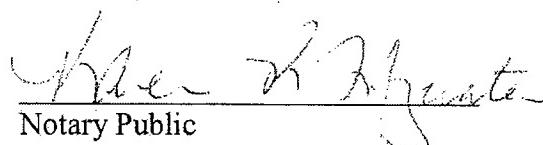
Further affiant sayeth naught.



Elizabeth A. Ross Given

Signed before the undersigned Notary Public by Elizabeth A. Ross Given
this 3rd day of February, 2013.

My Commission expires: 4/9/22.



Karen R. Fitzwater
Notary Public

